IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MAY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR JUSTICE G.CHANDRAIAH
WRIT PETITION NO : 929 of 2007

Between:
Seethammadhara Vada,old complex,
Vartakula Samkshema Sangam, Visakhapatnam,
rep.by its Secretary, Sangam Sreenivasa Murthy,
S/o.Satyanarayana aged 42 years,R/o.9-7-23/2,
Vamshinilayam, Sivajipalem, Visakhapatnam-17

..... PETITIONER

AND

1. The Vice-Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of mandamus declaring the action of the respondents in dismantling the Seethammadhara shopping complex as illegal, arbitrary, and much against the principles of natural justice and consequently direct the respondent not to dismantle the Seethammadhara shopping complex.

Counsel for the Petitioner: SRI K.SRINIVASA REDDY

Counsel for the Respondent : MRS.V.PREETI REDDY

The Court made the following :

ORAL ORDER:

This writ petition is filed for issuance of Writ of Mandamus declaring the action of the respondent in dismantling the Seethammadhara shopping complex as illegal and arbitrary, and consequently direct the respondents not to dismantle the Seethammadhara shopping complex.

It is the case of the petitioner that along with other occupants it had entered into an agreement with the respondent for occupation of the Seethammadhara shopping complex on monthly payment basis. The licence agreement is valid for a period of three years and the same will be renewed after three years. The licences of the occupants would get expired in the year 2008. It is stated that the respondents had issued notices stating that the Civil Engineering Department of Andhra University has certified that the Seethammadhara shopping complex is not fit for occupation, and in view of safety of the general public as well as licensee it constrained to demolish the entire complex and construct a new one. Against the action of the respondent in demolishing the shopping complex, the present writ petition is filed.

This Court by its order dated 11.01.2007 while issuing Notice Before Admission granted status quo with regard to demolition of the building in question for a period of six weeks.

The learned counsel for the petitioner submitted that the petitioner has made an application on 26.03.2007 to the respondent requesting to consider its representation for re-allotment. The learned Standing Counsel for Visakhapatnam Urban Development Authority submitted that since the petitioner submitted representation for consideration of re-allotment, the authorities may be directed to consider the said representation.

Having regard to the submissions made by both the counsel, the

Writ Petition is disposed of at the admission stage directing the respondent to consider the representation dated 26.03.2007 submitted by the petitioner within a period of six weeks. Pending consideration of the said representation, there shall be status quo with regard to demolition of the building in question.

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(G. Chandraiah, J)

30th May, 2007

Note: Issue C.C. in two days

B/o

Js.